

AUG 16 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

DALE P. KYSER,

Plaintiff,

v.

JO ANNE BARNHART,  
Commissioner of Social Security,

Defendant.

CIVIL ACTION NO. 3:04CV00049

FINAL ORDER

JUDGE JAMES H. MICHAEL, JR.

By order dated October 7, 2004, this case was referred to the presiding United States Magistrate Judge for proposed findings of fact and a recommended disposition. Following a ruling on the merits, counsel for the plaintiff filed a motion for attorney's fees on June 3, 2005. Specifically, counsel petitions the court to allow a fee of \$3,125.00 (25 hours x \$125.00 per hour) for services rendered in the United States District Court for the Western District of Virginia as attorney for the plaintiff. The Commissioner did not file a response to the motion. On July 15, 2005, the Magistrate Judge filed a Report and Recommendation, which recommended that plaintiffs' counsel be awarded the amount requested for his court-related services. After a careful review of the entire record in this case, and no objection having been filed to the Magistrate Judge's Report within ten (10) days of its service upon the parties, *see* Fed. R. Civ. P. 72(b), the court adopts the Magistrate Judge's Report in its entirety. It is accordingly this day

ADJUDGED, ORDERED, AND DECREED

as follows:

1. The Report and Recommendation of the United States Magistrate Judge, filed July 15, 2005, shall be, and hereby is, ADOPTED in its entirety;

2. The plaintiff's motion for attorney's fees, filed June 3, 2005, shall be, and hereby is, GRANTED;

3. Counsel for the plaintiff shall be, and hereby is, awarded \$3,125.00 in attorney's fees, under the Equal Access to Justice Act, 28 U.S.C.A. § 2412, *et. seq.* (West 1994 & Supp. 2002).

4. This case shall be, and hereby is, STRICKEN from the docket of the court.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Crigler.

ENTERED:

*Jan. B. Michael, Jr.*  
Senior United States District Judge

8-16-05  
Date